

## **PROPOSED DEVELOPMENT CONDITIONS**

**SE 2013-LE-005**

**October 24, 2013**

If it is the intent of the Board of Supervisors to approve Special Exception SE 2013-LE-005, located at Tax Map 81-3 ((4)) 4A, to permit site modifications and other changes to an existing service station pursuant to Sect. 7-607 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s), and/or use(s) indicated on the Special Exception Plat approved with this application, as qualified by these development conditions. A copy of the Special Exception conditions shall be displayed in a visible location to customers.
3. This Special Exception is subject to the provisions of Article 17 of the Zoning Ordinance, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any site plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception plat entitled Franconia Shell and prepared by Land Development Consultants, Inc., containing seven sheets dated February 14, 2013 and revised through August 29, 2013 and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. Sales of food and other items indoors shall be limited to those permitted by the definition of a "Service Station" in Article 20 of the Zoning Ordinance and shall be limited to 250 square feet of gross floor area. There may be up to 50 square feet of accessory outdoor storage and display areas for goods offered for sale, but outdoor display and storage of items for sale, other than automobile fuel and oil, shall be prohibited.
5. The maximum number of service bays on site shall be limited to five as depicted on the Special Exception Plat. Vehicle repairs shall be performed within interior service bays only. No Virginia State emission testing shall be conducted in either of the two rear service bays.
6. No outdoor vehicle lifts shall be permitted.
7. No major vehicle repairs are permitted and outside storage of more than two abandoned, wrecked or inoperable vehicles on the site for more than 72 hours is prohibited.

8. The outdoor trash dumpster shall be enclosed by a board-on-board fence or other material that shall screen the trash dumpster from view. Such enclosure shall be provided within 60 days of this Special Exception approval.
9. The hours of operation for the service station shall be between 6:00 a.m. and 12:00 a.m., seven days a week; however, automotive repairs shall be limited to between 7:00 a.m. and 7:00 p.m., Monday through Friday and between 8:00 a.m. and 4:00 p.m. on Saturday and Sunday.
10. All exterior lighting, security, pedestrian and/or other incidental lighting, shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.
11. All signs shall be in conformance with Article 12 of the Zoning Ordinance and Section 10-4.1 of the Fairfax County Code, and Part 9 of Article 14 of the Zoning Ordinance. All non-conforming signs shall be removed within 60 days of the Special Exception approval. No pole-mounted signs shall be permitted.
12. No temporary signs (including "popsicle" style paper or cardboard signs), which are prohibited by Article 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7 of Title 33.1 or Chapter 8 of Title 46.2 of the Code of Virginia shall be placed on-site or off-site.
13. A sidewalk five feet in width with handicap accessible ramps shall be constructed within 60 days of site plan approval along the site's Valley View Drive frontage.
14. Tree Preservation. The applicant shall submit a Tree Preservation Plan and Narrative as part of the first and all subsequent site plan submissions. The preservation plan and narrative shall be prepared by a Certified Arborist or a Registered Consulting Arborist, and shall be subject to the review and approval of UFMD.

The tree preservation plan shall include a tree inventory that identifies the location, species, critical root zone, size, crown spread and condition analysis percentage rating for all individual trees to be preserved, as well as all on and off-site trees, living or dead with trunks 12 inches in diameter and greater (measured at 4 1/2 -feet from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture) located within 25 feet to either side of the limits of clearing and grading. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the Special Exception Plat and those additional areas in which trees can be preserved as a result of final engineering. The tree preservation plan and narrative shall include all items specified in PFM 12-0507 and 12-0509. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

15. **Tree Appraisal.** The Applicant shall retain a professional arborist with experience in plant appraisal, to determine the replacement value of all trees 12 inches in diameter or greater located on the Application Property that are shown to be saved on the Tree Preservation Plan. These trees and their value shall be identified on the Tree Preservation Plan at the time of the first submission of the respective site plan(s). The replacement value shall take into consideration the age, size and condition of these trees and shall be determined by the so-called "Trunk Formula Method" contained in the latest edition of the Guide for Plan Appraisal published by the International Society of Arboriculture, subject to review and approval by UFMD.

At the time of the respective site plan approvals, the Applicant shall post a cash bond or a letter of credit payable to the County of Fairfax to ensure preservation and/or replacement of the trees for which a tree value has been determined in accordance with the paragraph above (the "Bonded Trees") that die or are dying due to unauthorized construction activities. The letter of credit or cash deposit shall be equal to 50% of the replacement value of the Bonded Trees. At any time prior to final bond release for the improvements on the Application Property constructed adjacent to the respective tree save areas, should any Bonded Trees die, be removed, or are determined to be dying by UFMD due to unauthorized construction activities, the Applicant shall replace such trees at its expense. The replacement trees shall be of equivalent size, species and/or canopy cover as approved by UFMD. In addition to this replacement obligation, the Applicant shall also make a payment equal to the value of any Bonded Tree that is dead or dying or improperly removed due to unauthorized construction activity. This payment shall be determined based on the Trunk Formula Method and paid to a fund established by the County for furtherance of tree preservation objectives. Upon release of the bond for the improvements on the Application Property constructed adjacent to the respective tree save areas, any amount remaining in the tree bonds required by this proffer shall be returned/released to the Applicant.

16. **Tree Preservation Walk-Through.** The Applicant shall retain the services of a certified arborist or Registered Consulting Arborist, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an UFMD, DPWES, representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.
17. **Limits of Clearing and Grading.** The Applicant shall conform strictly to the limits

of clearing and grading as shown on the Special Exception Plat, subject to allowances specified in these conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the Special Exception Plat, they shall be located in the least disruptive manner necessary as determined by the UFMD, DPWES. A replanting plan shall be developed and implemented, subject to approval by the UFMD, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.

18. Tree Preservation Fencing. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four foot high, 14 gauge welded wire attached to six foot steel posts driven 18 inches into the ground and placed no further than 10 feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" proffer below.

All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by the UFMD, DPWES.

19. Root Pruning. The Applicant shall root prune, as needed to comply with the tree preservation requirements of these proffers. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the subdivision plan submission. The details for these treatments shall be reviewed and approved by the UFMD, DPWES, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:

- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
- Root pruning shall take place prior to any clearing and grading, demolition of structures.
- Root pruning shall be conducted with the supervision of a certified arborist.
- An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.

20. Site Monitoring. During any clearing or tree/vegetation/structure removal on the Applicant Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by the UFMD. The Applicant shall retain the services of a certified arborist or Registered Consulting Arborist to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation proffers, and UFMD approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by the UFMD, DPWES.
21. The applicant shall demonstrate at time of site plan that the proposed Magnolia Virginiana (Sweetbay Magnolia) plantings shall not be located within a four foot restrictive planting area and shall not conflict with street planting regulations of the Virginia Department of Transportation (VDOT).
22. If 10-year tree canopy credits are taken, at the time of site plan, the applicant shall provide a letter certifying that all native trees planted on the site for additional 10-year tree canopy credits as provided by §12-0510.4B(5) have been propagated from seed or non-genetically modified germoplasm collected within the mid-Atlantic region.
23. Prior to site plan approval, approximately 211 square feet of right-of-way at the northeast corner of the site as shown on the Special Exception Plat shall be dedicated to the Board of Supervisors in fee simple in conformance with the policies and requirements of Fairfax County and VDOT.
24. If a waiver of the design standard for the site's easternmost access point on Franconia Road is not granted at the time of site plan, the applicant shall construct the entrance as directed by VDOT.
25. Vehicles parked on-site shall be parked only in designated, striped parking spaces at all times. Design of such parking spaces shall meet Zoning Ordinance and Public Facilities Manual requirements.
26. Prior to site plan approval, the applicant shall provide a detailed comparison of existing versus proposed impervious area tabulation/map. The existing impervious area shall be established based on Special Permit S-168-74, which was approved on November 13, 1974. Based on this, stormwater detention and requirements shall be met, if not waived pursuant to the Public Facilities Manual and the applicant shall establish the impervious area of the site, recalculate the phosphorus removal, and provide additional Best Management Practices as necessary.
27. The site shall be patrolled daily by the service station employees to pick up any trash on the site.
28. The selling, renting or leasing of trucks, trailers or automobiles on-site shall be prohibited.

29. If not already provided, an automotive fluid separator and/or underground fluid container shall be installed within 60 days of this Special Exception approval and designed such that any areas that could have oil or other vehicular fluid spills shall be contained. Such facility shall be properly maintained and properly drained and any liquids contained within shall be properly disposed of on a routine basis.
30. The applicant shall provide a separate container or enclosed container or enclosed area within the two storage trailers where automotive fluid or liquids are stored in order to capture spillage that may leak onto the floor of the storage trailer or onto the ground. Such container or enclosed area shall be provided within 60 days of this Special Exception approval.
31. To reduce the noise levels associated with any impact guns used for vehicle service, the employees of the vehicle light service establishment shall use “quiet gun” impact guns in the two rear service bays. This model of impact guns shall be the only model used during all hours of operation.
32. All applicable trade permits and final inspections shall be obtained for the existing additions (two rear service bays) and new construction prior to Non-Residential Permit approval.
33. No outdoor containers for clothing, books, etc. shall be permitted on-site.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Sect. 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, 18 months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.